



EC 0002030
II-4-084

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 22 1998

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL --
RETURN RECEIPT REQUESTED

Robert A. Ellis
Manager of Engineering Services
and Governmental Affairs
Bear Island Paper Co.
10026 Old Ridge Rd.
Ashland, VA 23005

RE: NOTICE OF VIOLATION: File No. AED/MSEB - 4838

Dear Mr. Ellis:

On February 6, 1998, authorized representatives of the United States Environmental Protection Agency (EPA) inspected two above ground bulk fuel storage tanks and three motor vehicles owned, operated, and controlled by Bear Island Paper Company located in Ashland, Virginia. The inspection was conducted to determine compliance with § 211 of the Clean Air Act (the Act), 42 U.S.C. § 7545, and the regulations issued thereunder (40 C.F.R. Part 80). Where inappropriate fuels are used in internal combustion engines the emissions of harmful gases can increase significantly. Notwithstanding improvements in vehicle emission controls, emissions from motor vehicles continue to make up a very large portion of all air pollution. Congress has established a program of improvement and regulation of fuels to protect our air quality from unnecessary pollution associated with the misfueling of vehicles.

Section 211(g)(2) of the Act prohibits any person from introducing, or causing or allowing the introduction, into any motor vehicle diesel fuel which such person knows or should know contains a concentration of sulfur in excess of 0.05% after October 1, 1993. This law subjects violators to a maximum civil penalty of \$25,000 per day for each violation in addition to recovery of the amount of the economic benefit or savings resulting from the violation.

As a result of our inspection EPA has determined that diesel fuel, having a sulfur content in excess of the sulfur standard, was introduced into the fuel tanks of three motor vehicles, as detailed in the attached enclosure, owned, operated, and controlled by Bear Island Paper Company in violation of section 211(g)(2) of the Act. Therefore, Bear Island Paper Company is

liable for three misfueling violations.

Sections 211 and 205 of the Act, 42 U.S.C. §§ 7545 and 7524, authorize the Administrator of EPA to assess a civil penalty of up to \$25,000 for every day of each such violation and the economic benefit or savings resulting from the violation. Section 205(c) further authorizes the Administrator to compromise or remit, with or without conditions, any such penalty. After consideration of the magnitude and gravity of the violations, and your history of compliance with the Clean Air Act and the Fuels Regulations, we propose a civil penalty for the violations alleged in this Notice of \$4,500.00.

We encourage settlement of such matters rather than initiating litigation in the federal courts. The settlement process provides substantial flexibility for reducing the statutory penalty particularly if the alleged violations are corrected promptly. If we cannot settle this matter promptly we reserve the right to file an administrative complaint or refer this matter to the United States Department of Justice with a recommendation to file a civil complaint in federal district court.

Please contact the following EPA official who has been assigned to this case:

Jacqueline Robles Werner, Esquire
U.S. Environmental Protection Agency
Mobile Source Enforcement Branch
Air Enforcement Division (2242A)
401 M Street, S.W.
Washington, D.C. 20460
Telephone: (202) 564-1036

Please let me once again emphasize that while we take our obligation to enforce these requirements seriously we will make every effort to reach an equitable settlement.

Sincerely,



Bruce C. Buckheit, Director
Air Enforcement Division

VEHICLE LIST

Bear Island Paper Co.
10026 Old Ridge Rd.
Ashland, VA 23005
Date of Inspection: 02/06/98
FFIF No.: 1063952
Number of Violations: 3

Tank No.	Sample No.	Test Result	Year	Make	Model	VIN Number	License Plate No.	Color	Company Vehicle No.	Comments
3	5	0.1734	1980	GMC	Truck	T49CIAV599303	none	Red	3	Driver side tank
4	6	0.1746	1980	GMC	Truck	T49CIAV599303	none	Red	3	Passenger side tank
5	8	0.1589	1981	Ford	Truck	1FDYU80U8BVJ43382	none	White	1	Driver side tank
6	10	0.1580	1981	Ford	Truck	1FDYU80U8BVJ43382	none	White	1	Passenger side tank
7	12	0.1600	1982	Ford	Truck	1FDYU80UXCVA49234	none	White	2	Driver side tank
8	14	0.1612	1982	Ford	Truck	1FDYU80UXCVA49234	none	White	2	Passenger side tank